

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>WAYMON R. LANIER,</b>	:	<b>CIVIL ACTION NO. 1:09-CV-2140</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
<b>v.</b>	:	
	:	
<b>ARNOLD TRANSPORTATION SERVICES, INC.,</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

AND NOW, this 15th day of June, 2011, upon consideration of the Report and Recommendation of United States Magistrate Judge William T. Prince (Doc. 75), recommending that defendant's motion for summary judgment (Doc. 45) be granted, and, following an independent review of the record and noting that both counsel and pro se plaintiff filed objections<sup>1</sup> to the report on March 10, 2011 and March 14, 2011 (Docs. 79, 81), and the Court finding Judge Prince's analysis to be thorough and well-

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<sup>1</sup>Defendant Arnold Transportation Services, Inc., has moved to strike plaintiff's pro se objections (Doc. 83) on the grounds that they fail to comply with Local Rule 72.3 and that they argue facts not of record. To the extent plaintiff's pro se objections rely on unsworn statements and newly identified documents, defendant Arnold's motion to strike is granted. Simply stated, these pro se objections are based upon extra record assertions and, therefore, fail to comply with Local Rule 56.1 and Fed. R. Civ. P. 56. Nonetheless, in the exercise of caution, the Court has reviewed the remaining pro se objections in context and finds them to be without merit. See note 2 infra.

reasoned, and the court finding plaintiff's objections<sup>2</sup> to be without merit and squarely addressed by Judge Prince's report (Doc. 75), it is hereby ORDERED that:

1. Defendant Arnold Transportation Services, Inc.'s motion to strike (Doc. 83) is GRANTED in part and DENIED in part. See note 1 supra.
2. The Report and Recommendation of Magistrate Judge Prince (Doc. 75) are ADOPTED.
3. Defendant's motion for summary judgment (Doc. 45) is GRANTED. The Clerk of Court is directed to enter JUDGMENT in favor of defendant and against plaintiff.
4. The Clerk of Court is directed to CLOSE this matter.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge

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<sup>2</sup> Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at \*3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at \*6 (M.D. Pa. Sept. 8, 2008)).